

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

NIRMAL S. BAL:

Case No. 09-77207-reg

Debtor.

-----X
HARISH SETHI

Chapter 7

Plaintiff,
-against-

Adversary Pro. No. 09-8600-reg

NIRMAL S. BAL

ANSWER

Defendant.

-----X

Defendant NIRMAL S. BAL, by his attorneys, LESTER & ASSOCIATES, P.C., P.C.
hereby answers the complaint of Plaintiff HARISH SETHI, as follows:

1. Defendant denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph numbered 1 of the Plaintiff's Complaint.
2. Defendant denies the allegations contained in paragraphs numbered 2 (to the extent Plaintiff's claim was listed as disputed), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of the Plaintiff's Complaint.

FIRST AFFIRMATIVE DEFENSE

3. Plaintiff has failed to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

4. Plaintiff's complaint is defective in that it fails to identify specific Bankruptcy Code provisions designating independent grounds for discharge denial and the underlying facts which would support such grounds.

THIRD AFFIRMATIVE DEFENSE

5. Plaintiff has failed to plead fraud with the required particularity.

FOURTH AFFIRMATIVE DEFENSE

6. Plaintiff lacks standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

7. This action is barred by the doctrine of unclean hands.

WHEREFORE, Defendant hereby requests that Plaintiff's Complaint be dismissed in its entirety.

Dated: Garden City, New York
January 19, 2010

LESTER & ASSOCIATES, P.C.
Attorneys for Debtor/Defendant

s/Roy J. Lester

By: Roy J. Lester, Esq.
600 Old Country Rd., Suite 229
Garden City, New York 11530
(516) 357-9191

To:

Harish Sethi
2 Village Drive
Jericho, New York 11753

UNITED STATES BANKRUPTCY COURT
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Chapter 7

Plaintiff,

Adversary Pro. No. 09-8600-reg

-against-

NIRMAL S. BAL

Defendant.

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I, Nirmal Bal, swears under the penalty of perjury the following:

1. That I am the debtor in the above captioned action and as such am fully familiar with the facts and circumstances therein.
2. That after I filed bankruptcy, Mr. Harish Sethi came to me demanding the money I owed him. He informed me that if I did not pay him, he would "*see me in jail*".
3. That this entire action is Mr. Sethi trying to make good his threat in order to collect a debt that I listed in my bankruptcy petition which Mr. Sethi is fully aware of.

WHEREFORE, I respectfully request that this action be dismissed in its entirety.

s/ Nirmal S. Bal

Dated: January 19, 2010
Garden City, New York

NIRMAL S. BAL

Sworn to before me this
19th day of January, 2010

s/ Roy J. Lester

Notary

ROY J. LESTER
Notary Public, State Of New York
No.30-4841129
Qualified In Nassau County
Commission Expires September 30, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

NIRMAL S. BAL.

Case No. 09-77207-reg

Debtor.

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Chapter 7

HARISH SETHI

Plaintiff,

Adversary Pro. No. 09-8600-reg

-against-

NIRMAL S. BAL

Defendant.

-----X

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) SS.:

COUNTY OF NASSAU)

I, REGINA MONGELLI, being duly sworn, depose and say:

1. That I am not a party to the action, and I am over eighteen years of age and reside in Mineola, New York.

2. That on the 19th day of January, 2010, I served a copy of an ANSWER TO ADVERSARY by depositing a true copy thereof in an official depository of the United States Postal Service contained in a securely closed post-paid envelope directed to the following person by First Class Mail at the address designated below which is the last known address of the addressee and enclosed in an envelope containing name and return address of the party effecting service to:

Marc A. Pergament, Esq.
Weinberg, Gross & Pergament, LLP
400 Garden City Plaza, Suite 403
Garden City, New York 11530

Office of the United States Trustee
LI Federal Courthouse
560 Federal Plaza, Room 563
Central Islip, NY 11722-4456

Harish Sethi, Plaintiff
2 Village Drive
Jericho, New York 11753

ation, and I am
s/ Regina Mongelli

REGINA MONGELLI

Sworn to before me this
19th day of January, 2010

Roy J. Lester
Notary Public, State of New York
No. 30-4841129
Qualified in Nassau County
Commission Expires September 30, 2013

s/Roy J. Lester

NOTARY PUBLIC

Adversary Pro. No. 09-8600-reg

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Case No. 809-77207-REG
Chapter 7

In Re:

NIRMAL S. BAL.

Case No. 809-77207-REG

Debtor.

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HARISH SETHI

Plaintiff,

Adversary Pro. No. 09-8600-REG

-against-

NIRMAL S. BAL

Defendant.

=====

ANSWER

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LESTER & ASSOCIATES, P.C.
Attorney(s) for Debtor/Defendant
600 OLD COUNTRY ROAD
SUITE 229
GARDEN CITY, NY 11530
(516) 357-9191

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To
Attorney(s) for

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Service of a copy of the within
is hereby

admitted.

Dated,

Attorney(s) for

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